IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 16400 of 2007(B)

PETITIONER:

PAUL THOMAS,
MUNDAKKATTU HOUSE, KADAKKANAD,
MUZHAVANNUR, KOLENCHERRY.

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS:

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1. STATE OF KERALA,
REP.BY SECRETARY TO REVENUE,
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE TAHASILDAR,
KUNNATHUNAD, (ASSESSING AUTHORITY UNDER
KERALA BUILDING TAX ACT), KUNNATHUNAD TALUK,
MUZHAVANNOOR VILLAGE, ERNAKULAM DISTRICT.

3. R.D.O.,
MOOVATTUPUZHA.

BY G.P. SRI. MOHAMMED RAFFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 16400 OF 2007

Dated this the 30th day of May, 2007

JUDGMENT

Petitioner is dragged to this Court only because of the untenable order issued by the RDO in rejecting appeal for want of Rs. 5 stamp on the application. If the stamp is inadequate it is only a defect and on affixing the required stamp defect in the petition gets cured. I condemn the decision of the RDO to reject the appeal without giving an opportunity to the petitioner to affix stamp and rectify the defect. W.P. is accordingly allowed vacating Ext.P8 and with a direction to the RDO to permit the petitioner to affix Rs. 5 stamp on the appeal memorandum and thereafter hear the petitioner and dispose of the appeal. Recovery proceedings will be kept in abeyance for two months from now. RDO is directed to pass orders on the appeal after petitioner cures the defect within six weeks from now. Petitioner will produce a copy of judgment and required stamp before the RDO for compliance.

(C.N.RAMACHANDRAN NAIR)
Judge